

## 1 SENATE BILL NO. 77

2 INTRODUCED BY R. LAIBLE

3 BY REQUEST OF THE LEGISLATIVE FINANCE COMMITTEE

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 5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LEGISLATIVE REPORTING REQUIREMENTS RELATED  
 6 TO THE FUTURE FISHERIES IMPROVEMENT PROGRAM; REQUIRING THE DEPARTMENT OF FISH,  
 7 WILDLIFE, AND PARKS TO SUBMIT ITS DETAILED PROGRAM REPORT TO CERTAIN LEGISLATIVE  
 8 COMMITTEES, TO INCLUDE SPECIFIC INFORMATION REGARDING PROGRESS AND PROJECTS  
 9 RELATED TO THE RESTORATION OF NATIVE MONTANA FISH SPECIES, TO IDENTIFY ANY PROJECT  
 10 THAT INVOLVES STREAM REMEDIATION FROM MINING ACTIVITIES, AND TO INCLUDE PARTICULAR  
 11 FUNDING INFORMATION; AMENDING SECTION 87-1-272, MCA; AND PROVIDING AN IMMEDIATE  
 12 EFFECTIVE DATE AND A TERMINATION DATE."

13  
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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 16 **Section 1.** Section 87-1-272, MCA, is amended to read:

17 **"87-1-272. (Temporary) Future fisheries improvement program -- funding priority -- reports**  
 18 **required.** (1) In order to enhance future fisheries through natural reproduction, the department shall establish  
 19 and implement a statewide voluntary program that promotes fishery habitats and spawning areas for the rivers,  
 20 streams, and lakes of Montana's fisheries.

21 (2) The department shall ~~by April 1, 1996, and thereafter~~ when projects are suggested by the future  
 22 fisheries review panel, through a public hearing process and with the approval of the commission, prioritize  
 23 projects that have been recommended by the review panel to be funded. Emphasis must be given to projects that  
 24 enhance the historic habitat of native fish species. The department shall fund and implement the program  
 25 regarding the long-term enhancement of streams and streambanks, instream flows, water leasing, lease or  
 26 purchase of stored water, and other voluntary programs that deal with wild fish and aquatic habitats. A project  
 27 conducted under the future fisheries improvement program may not restrict or interfere with the exercise of any  
 28 water rights or property rights of the owners of streambeds and property adjacent to streambeds, streambanks,  
 29 and lakes. The fact that a program project has been completed on private property does not create any right of  
 30 public access to the private property unless that right is granted voluntarily by the property owner.

1           (3) The department shall work in cooperation with private landowners, conservation districts, irrigation  
2 districts, local officials, anglers, and other citizens to implement the future fisheries improvement program. Any  
3 department employee who is employed under this section to facilitate contact with landowners must have  
4 experience in commercial or irrigated agriculture. The department shall encourage the use of volunteer labor and  
5 grants, matching grants, and private donations to accomplish program purposes. The department may use  
6 contracted services:

7           (a) for negotiations with landowners, local officials, citizens, and others;

8           (b) for coordination with other agencies that may be involved in projects conducted under this section;

9 and

10          (c) to perform and supervise project work.

11          (4) Funds expended under this section may be used only for projects for the protection of the fisheries  
12 resource that have been identified by the review panel established in 87-1-273 and approved by the commission  
13 and may not be used for the acquisition of any interest in land.

14          (5) (a) The department shall report to the commission on the progress of the future fisheries improvement  
15 program every 12 months and post a copy of the report on a state electronic access system to ensure public  
16 access to the report.

17          (b) The department shall also present a detailed report to the senate fish and game committee, the  
18 house fish, wildlife, and parks committee, and the natural resources and commerce joint appropriations  
19 subcommittee of each regular session of the legislature on the progress of the future fisheries improvement  
20 program and shall include specific information regarding progress and projects related to the restoration of native  
21 Montana fish species. The legislative report must include the department's program activities and expenses since  
22 the last report and the project schedules and anticipated expenses for the ensuing 10 years' implementation of  
23 the future fisheries improvement program. The department shall include a listing of the funding source for each  
24 project funded since the last report and shall identify any project that involves stream remediation from mining  
25 activities. All financial information presented in the legislative report must conform to the requirements of the state  
26 accounting, budgeting, and human resources system.

27          (c) In order to implement 87-1-273 and this section, the department may expend revenue from the future  
28 fisheries improvement program for up to two additional full-time employees. (Terminates July 1, 2009--sec. 6, Ch.  
29 529, L. 1999.)"

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1            NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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3            NEW SECTION. **Section 3. Termination.** [This act] terminates July 1, 2009.

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